



UNITED STATES MARINE CORPS

MARINE FORCES NORTHERN COMMAND

2000 OPELOUSAS AVE

NEW ORLEANS, LOUISIANA 70114

IN REPLY REFER TO:

5830

IO

8 Aug 20

From: (b)(6), (b)(7)c '5803, USMC

To: Chief of Staff

Subj: COMMAND INVESTIGATION INTO THE POTENTIAL MISCONDUCT OF THE THEATER SECURITY COOPERATION (TSC) DETACHMENT

Ref: (a) JAGINST 5800.7F, Chapter II (JAGMAN)

Encl: (1) Appointing Order

(2) U.S. Navy Regulations (1990) Chapter 11- General Regulations, Para 1165 Fraternization Prohibited

(3) MCO 5354.1E

(4) (b)(6), (b)(7)c Statement

(5) (b)(6), (b)(7)c Statement

(6) (b)(6), (b)(7)c Statement

(7) (b)(6), (b)(7)c Statement

(8) Investigating Officer Summary of Interview with (b)(6), (b)(7)c

(9) Investigating Officer Summary of Interview with (b)(6), (b)(7)c

(10) Suspect's Rights Acknowledgement/Statement of (b)(6), (b)(7)c

(11) Suspect's Rights Acknowledgement/Statement of Staff Sergeant Pinto

(12) Investigating Officer Summary of Interview with

(13) Investigating Officer Summary of Interview with

(14) Investigating Officer Summary of Interview with

(15) Investigating Officer Summary of Interview with (b)(6), (b)(7)c

(16) Investigating Officer Summary of Interview with

(17) Investigating Officer Summary of Interview with

(18) (b)(6), (b)(7)c Statement

(19) Investigating Officer Summary of Interview with (b)(6), (b)(7)c

(20) (b)(6), (b)(7)c Statement

(21) Investigating Officer Summary of Interview with (b)(6), (b)(7)c

Preliminary Statement

1. In accordance with reference (a) and enclosure (1), all reasonably available evidence was collected and all directives given by the Convening Authority (CA) have been met.

2. Personnel Contacted: (b)(6), (b)(7)c TSC Detachment, (b)(6), (b)(7)c

TSC Detachment, (b)(6), (b)(7)c TSC Detachment, (b)(6), (b)(7)c

(b)(6), (b)(7)c TSC Detachment, (b)(6), (b)(7)c

(b)(6), (b)(7)c TSC Detachment, (b)(6), (b)(7)c TSC Detachment, (b)(6), (b)(7)c

Julio Pinto, TSC Detachment, (504) 638-2848; (b)(6), (b)(7)c TSC Detachment, (b)(6), (b)(7)c

(b)(6), (b)(7)c TSC Detachment, (b)(6), (b)(7)c TSC Detachment, (b)(6), (b)(7)c

(b)(6), (b)(7)c TSC Detachment, (b)(6), (b)(7)c TSC Detachment, (b)(6), (b)(7)c

Detachment, (b)(6), (b)(7)c TSC Detachment, (b)(6), (b)(7)c

3. (b)(6), (b)(7)c remained in the rear due to a medical condition while the team was in Mexico, and (b)(6), (b)(7)c (b)(6), (b)(7)c has been ostracized/not been included in the "roll-over" group. (Encl 4, 5, 6).
4. Starting before deployment, while in Mexico, and upon return to New Orleans, several detachment individuals believe that there is favoritism being shown through many different examples and incidents from (b)(6), (b)(7)c toward SSgt Pinto, (b)(6), (b)(7)c (Encl 4, 5, 6, 8, 9, 12, 15, 16, 17, 19, 20).
5. (b)(6), (b)(7)c SSgt Pinto, (b)(6), (b)(7)c are in their own working group, operating independently with (b)(6), (b)(7)c for the Period of Instruction (POI) rewrite. (Encl 4, 5, 6).
6. (b)(6), (b)(7)c SSgt Pinto, (b)(6), (b)(7)c are the only Marines in the detachment that are staying out in town. The rest of the team is located on Belle Chasse. (Encl 4, 5).
7. (b)(6), (b)(7)c stated that he opened the option for others to go out in town, however, not all members of the team knew that. (Encl 4, 5, 6).
8. (b)(6), (b)(7)c claim that SSgt Pinto, (b)(6), (b)(7)c refer to (b)(6), (b)(7)c as "Daddy" or his first name (b)(6), (b)(7)c openly in front of the other team members (Encl 8, 19).
9. Some Marines interviewed claim that (b)(6), (b)(7)c and SSgt Pinto will go drinking together regularly. (Encl 4, 8, 19).
10. (b)(6), (b)(7)c allowed (b)(6), (b)(7)c to leave a day earlier than his approved leave period and begin driving during COVID-19 leave restriction requirements, therefore missing an all-hands safety brief. (Encl 4, 5, 6).
11. (b)(6), (b)(7)c did not inform (b)(6), (b)(7)c of allowing (b)(6), (b)(7)c to leave early. (Encl 4, 5, 6).
12. Knowledge of (b)(6), (b)(7)c being allowed to depart early and miss the safety brief was wide spread between the team members. (Encl 4, 5, 6, 19).
13. (b)(6), (b)(7)c alleges that on a night that a group of Marines went out to dinner, SSgt Pinto slapped him across the face and called him "Negro," a term he took to understand as the Spanish word for "blackie." (Encl 6).
14. On a separate occasion, prior to deployment to Mexico, a group of Marines went to Bourbon Street. (Encl 6, 8, 19).
15. On this evening on Bourbon Street, (b)(6), (b)(7)c alleges that SSgt Pinto tried to kiss (b)(6), (b)(7)c twice. (Encl 6, 8).
16. (b)(6), (b)(7)c states that (b)(6), (b)(7)c punched SSgt Pinto as a way to get him to stop. (Encl 6, 8).
17. This incident was witnessed directly by (b)(6), (b)(7)c. (Encl 6, 8).
18. During that same evening, on Bourbon Street, (b)(6), (b)(7)c alleges that SSgt Pinto declared his love for (b)(6), (b)(7)c and tried multiple times to kiss (b)(6), (b)(7)c when they were in an Uber. (Encl 8).

19. (b)(6), (b)(7)c Smith states that (b)(6), (b)(7)c told SSgt Pinto about the incident the following day and SSgt Pinto said he did not believe it and joked about it. (Encl 8).

20. (b)(6), (b)(7)c states that during the deployment, SSgt Pinto would make inappropriate comments regarding (b)(6), (b)(7)c body. (Encl 8).

21. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c heard SSgt Pinto use racial language in reference to (b)(6), (b)(7)c in order to identify him. (Encl 8).

22. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c heard SSgt Pinto reference (b)(6), (b)(7)c skin color and say that he belonged in BRIGIM 5, a Mexican unit, who mostly have darker skin because of the region they are from. (Encl 4).

23. Regarding any prior knowledge of any sexual harassment allegations: The only person who knew about the forehead kissing incident between (b)(6), (b)(7)c and SSgt Pinto prior to (b)(6), (b)(7)c officially reporting was (b)(6), (b)(7)c (Encl 4, 5, 14).

24. While in Mexico, (b)(6), (b)(7)c told (b)(6), (b)(7)c in confidence about the incident. (Encl 4, 5, 14).

25. (b)(6), (b)(7)c asked him not to tell anyone at the time. (Encl 4, 5, 14).

26. Officers and enlisted Marines consumed an excessive amount of alcohol together on several occasions and acted inappropriately by blurring professional boundaries on multiple occasions. (Encl 4, 8, 19, 20, 21).

Opinions

1. That there is a culture and command climate of unprofessionalism on both the officer and the enlisted side. Officers frequently were drinking to excess with enlisted members present and allowed a climate where the blurring of professional lines seemed to be tolerated or even encouraged. (FF 8, 9, 11, 12, 13, 14, 15, 18, 26).

2. That favoritism or the perception thereof does exist within the team in regard to the relationship between (b)(6), (b)(7)c SSgt Pinto, (b)(6), (b)(7)c There is a majority of Marines both officer and enlisted that were interviewed that cited a multitude of different examples in which they believed that the roll-over Marines were shown favoritism or that leadership 'looked the other way' for the roll-over Marines (FFs 4, 5, 6, 7, 8, 9, 10, 12).

2. That SSgt Pinto displays a pattern of unprofessional behavior based on numerous different sources reporting the multiple examples of unacceptable behavior and comments. (FFs 4, 8, 9, 13, 15, 18, 19, 20, 21, 22).

3. That SSgt Pinto did make comments of a racial nature in reference to (b)(6), (b)(7)c and slapped him on the evening that (b)(6), (b)(7)c was the designated driver for the group. Three Marines interviewed cited different situations where SSgt Pinto either made a joke about race or used it in reference to another individual. SSgt Pinto potentially made these comments in a joking manner due to his pattern of immaturity and unprofessionalism. (FFs 13, 21).

4. That SSgt Pinto attempted to kiss (b)(6), (b)(7)c on a group outing on Bourbon Street prior to the deployment, resulting in (b)(6), (b)(7)c slapping/punching him to get him to stop. (FFs 15, 16, 17, 18, 19).

5. That (b)(6), (b)(7)c was the only individual who was aware of any potential sexual harassment concerns (forehead kissing) between (b)(6), (b)(7)c and SSgt Pinto prior to (b)(6), (b)(7)c officially reporting. (FFs 23, 24, 25).

Recommendations

1. That all officers on the detachment receive a formal counseling on the appropriate relationship between leaders and subordinates and fraternization.
2. (b)(6), (b)(7)c receive a formal counseling on the appropriate relationship between leaders and subordinates in addition to appropriate action regarding his allowance of (b)(6), (b)(7)c to violate leave and liberty orders and current MARADMINs.
3. SSgt Pinto receive appropriate administrative action and be dropped off orders and returned to his HTC.
4. The POI working group be given a near-term completion deadline for current POI review and then integrated into the Current Operations responsibilities under (b)(6), (b)(7)c with the rest of the team members for their remaining time on orders.
5. All team members be billeted at the same location to dissuade the appearance of favoritism.
6. Any current members on the detachment be ineligible or extensively scrutinized by leadership outside of the TSC section before being permitted to participate in any future involvement with Mexico in the MARFORNORTH program.

(b)(6), (b)(7)c



UNITED STATES MARINE CORPS
MARINE FORCES NORTHERN COMMAND
2000 OPELOUSAS AVE
NEW ORLEANS, LOUISIANA 70114

IN REPLY REFER TO:
5354
CoS
26 Jun 20

From: Chief of Staff

To: (b)(6), (b)(7)c 5803 USMC

Subj: COMMAND INVESTIGATION OF POSSIBLE MISCONDUCT OF THE THEATER
SECURITY COOPERATION (TSC) DETACHMENT

Ref: (a) JAGINST 5800.7F CH 3, Chapter II (JAGMAN)

1. Per the reference, this order appoints you to inquire into the facts and circumstances regarding the good order and discipline of the 2019-2020 TSC Detachment and support staff, to include, but not limited to, the following:

a. Potential favoritism between detachment leadership and Marines that have served on multiple detachments.

b. Alleged physical altercation, possible use of racial language, and Staff Sergeant Pinto's advances towards (b)(6), (b)(7)c

c. Awareness and knowledge by TSC Detachment leadership and support staff of any possible sexual harassment concerns within the Detachment.

2. This investigation is your primary appointed duty until it is complete. Report your findings of fact, opinions, and recommendations in letter form by no later than 27 July 2020, unless an extension of time is granted. All extensions must be recorded in your preliminary statement. If you suspect criminal acts have occurred (beyond military-specific crimes), please consult with the Office of the Staff Judge Advocate. Ensure you remain in compliance with the Privacy Act (safeguarding personally identifiable information) and Article 31 of the Uniform Code of Military Justice (informing the accused of their rights) during your investigation. Read the references before beginning your investigation.

3. During the course of your investigation you shall not discuss this or any information regarding your findings with any individuals outside your immediate chain of command.

4. The administrative/legal section will provide you fundamental assistance in preparing your investigation. If legal counsel is needed, seek assistance from the (b)(6), (b)(7)c at Commercial Line (b)(6), (b)(7)c

(b)(6), (b)(7)c

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Files

ENCLOSURE (1)

GENERAL REGULATIONS

1165. Fraternization Prohibited.

1. Personal relationships between officer and enlisted members that are unduly familiar and that do not respect differences in grade or rank are prohibited. Such relationships are prejudicial to good order and discipline and violate long-standing traditions of the naval service.

2. When prejudicial to good order and discipline or of a nature to bring discredit on the naval service, personal relationships between officer members or between enlisted members that are unduly familiar and that do not respect differences in grade or rank are prohibited. Prejudice to good order and discipline or discredit to the naval service may result from, but are not limited to, circumstances which —

a. call into question a senior's objectivity;

b. result in actual or apparent preferential treatment;

c. undermine the authority of a senior; or

d. compromise the chain of command.

1166. Sexual Harassment.

1. Sexual harassment is prohibited.

2. No individual in the Department of the Navy shall:

a. commit sexual harassment;

b. take reprisal action against a person who provides information on an incident of alleged sexual harassment;

c. knowingly make a false accusation of sexual harassment; or

d. while in a supervisory or command position, condone or ignore sexual harassment of which he or she has knowledge or has reason to have knowledge.

1167. ALNAV 053/97
ATTACHED

**MARINE CORPS PROHIBITED ACTIVITIES AND CONDUCT
PREVENTION AND RESPONSE**

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person from engaging in otherwise protected communication or activity. Anti-retaliation provisions protect individuals to ensure freedom to engage in protected communications and to participate in activity alleging prohibited activities and conduct and potential EO violations and to oppose activity prohibited by EEO or MEO laws and regulations without superiors taking unfavorable actions in response. Retaliation can manifest itself, though not exclusively, in the form of reprisal or restriction, as well as bullying, discrimination, hazing, or ostracism, among other ways.

0105 HARASSMENT (TO INCLUDE SEXUAL HARASSMENT)

010501. Harassment

Any conduct whereby a Service member or DOD employee knowingly, recklessly or intentionally and without proper authority but with a nexus to military service engage in conduct that is unwelcome or offensive to a reasonable person or that is unwelcome and based on race, color, religion, sex (to include gender identity), national origin, or sexual orientation, and where (1) enduring the unwelcome or offensive conduct becomes a condition of continued employment or service, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, abusive or as otherwise having an adverse impact on the unit.

A. Offensive conduct may include, but is not limited to, offensive jokes; slurs; epithets or name calling; physical assaults or threats; intimidation; ridicule or mockery; insults or put-downs; display or transmission of derogatory, demeaning or offensive objects or pictures; and interference with work performance (to include unwillingness to train, evaluate, assist, or work with an individual).

B. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

1. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or a contractor.

2. The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.

C. Harassment does not include: properly directed command and organizational activities, or the training required to prepare for such activities (e.g., administrative corrective measures; Extra Military Instruction; command-authorized physical training); proper verbal and written counseling addressing performance or conduct deficiencies; authorized incentive training permitted exclusively at the Marine Corps Recruit Depots; or similar activities properly authorized by the chain of command.

010502. Sexual Harassment

A. Knowing, reckless, or intentional conduct with a nexus to military service that:

1. Involves unwelcome sexual advances, requests for sexual favors, and deliberate or repeated offensive comments or gestures of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay, or career;

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b. Submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person; or

c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment; or,

2. Is so severe or pervasive that a reasonable person would perceive, and the victim does perceive, the work environment as hostile or offensive.

B. Any knowing, reckless, or intentional use or condonation, by any person in a supervisory or command position, of any form of sexual behavior to control, influence, or affect the career, pay, or job of a Service member or DOD employee.

C. Any conduct whereby a Service member or DOD employee knowingly, recklessly, or intentionally and without proper authority but with a nexus to military service makes deliberate or repeated unwelcome verbal comments or gestures of a sexual nature.

(There is no requirement for concrete psychological harm to the complainant for behavior to constitute sexual harassment.)

0106 WRONGFUL DISTRIBUTION OR BROADCASTING OF AN INTIMATE IMAGE

010601. The wrongful distribution or broadcasting of an intimate image. The distribution or broadcasting is wrongful if the person making the distribution or broadcast does so without legal justification or excuse, knows or reasonably should know that the depicted person did not consent to the disclosure, and the intimate image is distributed or broadcast:

- A. With the intent to realize personal gain;
- B. With the intent to humiliate, harm, harass, intimidate, threaten, or coerce the depicted person; or
- C. With reckless disregard as to whether the depicted person would be humiliated, harmed, intimidated, threatened, or coerced.

010602. Distribution means the act of delivering to the actual or constructive possession of another, including transmission by electronic means. Broadcasting means the act of electronically transmitting a visual image with the intent that it be viewed by a person or persons. An intimate image is any visual depiction, including by electronic means, that:

- A. Includes another person who is identifiable from the depiction itself or from information conveyed in connection with the depiction;
- B. Depicts that person engaging in sexually explicit conduct or depicts the private area of that person; and
- C. Taken under the circumstances in which the person depicted has a reasonable expectation of privacy.

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010603. “Sexually explicit conduct” and “private area” have the meaning assigned to them in part IV of the Manual for Courts Martial (reference (c)).

0107. DISSIDENT AND PROTEST ACTIVITY (INCLUDING SUPREMACIST ACTIVITY)

010701. Knowing and wrongful conduct that involves actively advocating supremacist, extremist, or criminal gang doctrine, ideology, or causes, including those that advance, encourage, or advocate illegal discrimination based on race, creed, color, sex (including gender identity), religion, ethnicity, national origin, or sexual orientation or those that advance, encourage, or advocate the use of force, violence, or criminal activity, or otherwise advance efforts to deprive individuals of their civil rights.

010702. Knowing and wrongful conduct that involves actively participating in criminal gangs, or in other organizations that advocate supremacist, extremist, or criminal gang doctrine, ideology, or causes; including those that attempt to create illegal discrimination based on race, creed, color, sex (including gender identity), religion, ethnicity, national origin, or sexual orientation; advocate the use of force, violence, or criminal activity; or otherwise engage in efforts to unlawfully deprive individuals of their civil rights. Active participation in such gangs or organizations is prohibited. Active participation includes, but is not limited to, fundraising; demonstrating or rallying; recruiting, training, organizing, or leading members; distributing material (including posting on-line); knowingly wearing gang colors or clothing; having tattoos or body markings associated with such gangs or organizations; or otherwise engaging in activities in furtherance of the objective of such gangs or organizations that are detrimental to good order, discipline, or mission accomplishment or are incompatible with military service. The prohibition extends to acts committed through electronic communications and social media, as well as in-person and other means.

0108 UNLAWFUL DISCRIMINATION

Any conduct whereby a Service member or DOD employee knowingly and wrongfully and without proper authority but with a nexus to military service treats another Service member or DOD employee adversely or differently based on race, color, national origin, religion, sex (including sexual orientation) or gender identity (gender identity), or sexual orientation. Unlawful discrimination includes actions or efforts that detract from equal opportunity, with respect to the terms, conditions, or privileges of military service including, but not limited to, acquiring, assigning, promoting, disciplining, scheduling, training, compensating, discharging, or separating. This definition excludes justifiable conduct that discriminates on the basis of characteristics (including, but not limited to, age, height, and weight) that serve a proper military or other governmental purpose as set forth in other military policies.

Statement by _____

(b)(6), (b)(7)c

/5804 _____ (print)

Prior to making my (b)(6), (b)(7)c I did tell (b)(6), (b)(7)c but told him not to say anything, while we were in Mexico. I first officially reported it to (b)(6), (b)(7)c. They initially suggested that I speak with (b)(6), (b)(7)c about it, but I did not trust him at all and the divide was too great. Favoritism toward the roll-over Marines is completely true. As soon as we got on deck, the roll-over Marines including (b)(6), (b)(7)c continuously talked trash on the previous year's team. They also ostracized (b)(6), (b)(7)c and spoke badly about him. SSgt Pinto referenced his color and said (b)(6), (b)(7)c belonged in BRIGIM 5, a Mexican unit, who mostly have darker skin because of the region they are from. I had heard that (b)(6), (b)(7)c is protected by leadership within MFN. (b)(6), (b)(7)c was very much "I'm here, but I'm not here" in his attitude and when I followed up with (b)(6), (b)(7)c (b)(6), (b)(7)c said when he spoke to (b)(6), (b)(7)c about my situation (b)(6), (b)(7)c said, "I'm surprised, but I'm not surprised." He is supposed to be the senior enlisted advisor but was more concerned about himself, "his" Marines and being in the embassy. I believe that (b)(6), (b)(7)c (b)(6), (b)(7)c somewhat got sucked into (b)(6), (b)(7)c pretext at first and not until recently has that changed and they see more of what is going on with the team dynamics. On one occasion, (b)(6), (b)(7)c flat out lied to (b)(6), (b)(7)c that he had spoken to (b)(6), (b)(7)c about his leave request when he did not. (b)(6), (b)(7)c actions have had a negative impact on the rest of the team. He will go out drinking or have outings set for some of the roll-over Marines and not invite anyone else. (b)(6), (b)(7)c refers to officers by first names and other team members have heard him do this and it has been demoralizing on the rest of the team as they would see the officers using his vehicle or being in outings where he's the only SNCO present. Marines have brought this up to me more than once. Recently, further division has happened as only (b)(6), (b)(7)c SSgt Pinto, (b)(6), (b)(7)c have been allowed to move off base to a hotel out in town while the rest of the team is on Belle Chasse. I believe that the roll-over Marines have been entitled to do whatever they want, and (b)(6), (b)(7)c enables them to do so as the Marines help him do a lot of his work. There is a rumor that (b)(6), (b)(7)c is favored because he was trying to get (b)(6), (b)(7)c a job. The staff was pushing to get his OVSM approved but when mentioned that (b)(6), (b)(7)c was also seeking guidance on submitting his volunteer paperwork, it was considered as "being shady", leniency on meeting height and weight standards against other Marines, and repercussions following his actions on leaving early from the holiday 96. (b)(6), (b)(7)c defends SSgt Pinto and (b)(6), (b)(7)c against other SNCOs. Marines have told me that they are concerned and know they are going to be rated lower than these Marines on FITREPs because of the favoritism. A few weeks ago, (b)(6), (b)(7)c allowed these Marines to leave a day early without taking leave and they did not come to the all hands safety brief without informing (b)(6), (b)(7)c I believe (b)(6), (b)(7)c has done a disservice as the Senior Enlisted Advisor as he was more about self-interest and separated himself in the embassy. I have been on five previous deployments and this has been the worst of them all due to the dynamics and division of the team.

(b)(6), (b)(7)c

10 July 20
Date

ENCLOSURE (4)

Statement by _____

(b)(6), (b)(7)c

'5803 _____ (print)

I would like to bring up how this statement and everything could negatively impact me. My RSig (b)(6), (b)(7)c and he has yet to complete my FITREP. In stating that, I also want to make sure this goes ahead. As much as I don't want a negative FITREP, I am more concerned that my concerns aren't addressed and this situation is allowed to continue.

I believe that this problem of favoritism and division between the roll-over Marines and the rest of the team has been a long time in the making. I believe that (b)(6), (b)(7)c enabled them, and (b)(6), (b)(7)c is a type of 'Godfather' where the other roll-over Marines take their cues from him. I first noticed the differences as the roll-over Marines (b)(6), (b)(7)c SSgt Pinto, (b)(6), (b)(7)c did not have to attend PTP with us. I looked up when SSgt Pinto had last been to the range and it was 6 years ago in MOL. I tried to fix the division and the preferential treatment as the deployment took shape. However, the entitlement that these Marines feel is overwhelming and almost impossible to stop as (b)(6), (b)(7)c at MARFORNORTH enables this behavior as well. My concerns and involvement was pushed aside and I was not informed of many things that I should have been a part of as the DET OIC. For example, I was not told about the sync meeting that was happening in Mexico City. Instead, by happenstance I found out about it and that there were major changes that were going to happen regarding site locations, etc. When I brought my concerns up to (b)(6), (b)(7)c about needing to be informed and included, he brushed me off and said there was no major changes and not to worry about it. (b)(6), (b)(7)c spends all his time in the embassy and not with the team. It seems as though (b)(6), (b)(7)c has integrated into SEMAR as he is referred to as Poncho and has taken to many of the traits that they do. For example, when I was speaking with a Mexican Marine Officer, he told me a story about how he had approached (b)(6), (b)(7)c and told him he must be new because the Officer did not recognize him. (b)(6), (b)(7)c replied that the Officer was the new guy and he had simply been on vacation. Another example is that (b)(6), (b)(7)c has taken to wearing his uniform improperly as the Mexican Marines do and was disrespectful to (b)(6), (b)(7)c when he corrected him on it. These examples display the entitlement and complacency that breeds when Marines are not properly supervised. There are countless examples of this occurring throughout the deployment. When new sites were being created, (b)(6), (b)(7)c would insist that only these Marines would be put there, completely disregarding what I wanted to do because he stated on several times that he needed certain Marines there. (b)(6), (b)(7)c favors these Marines, and they have a close relationship. (b)(6), (b)(7)c wrote on the dry erase board downstairs in classroom 1, his three year plan that involved getting divorced and him having a trailer to go visit his Mexican girlfriend. (b)(6), (b)(7)c has spoken about translating his text messages for him. Multiple Marines would have seen this plan written on the white board downstairs. I also want to point out that these sync meetings in Mexico last half a day. When (b)(6), (b)(7)c came down, he would spend an entire week. I believe that this whole team should go away.

Upon my return to New Orleans, there has been additional incidents. A few weekends ago, we had an all hands safety brief. When we gathered, I saw that (b)(6), (b)(7)c was not present. (b)(6), (b)(7)c had allowed him to leave the day prior without telling anyone about it. This falsified the morning report, invalidated the leave request that had to be specially approved at the command level due to COVID restrictions, and put numerous other things in jeopardy. Regarding the roll-over Marines being in a separate hotel in town, we did offer that opportunity to all the Marines if they chose to take us up on it. My thought process about allowing the roll-overs to change hotels was primary based on the fact that I needed to separate SSgt Pinto and (b)(6), (b)(7)c

ENCLOSURE (5)

I had no knowledge of any sexual harassment before (b)(6), (b)(7)c officially reported it. I found out later that (b)(6), (b)(7)c in Mexico but it was not reported to me or anyone else.

(b)(6), (b)(7)c

13 July 20
Date

Statement by _____

(b)(6), (b)(7)c

0532 _____ (print)

I believe that there is favoritism toward the Marines that have been here before. It seems like every time that (b)(6), (b)(7)c says anything and anyone voices opinion against him, (b)(6), (b)(7)c defends (b)(6), (b)(7)c and says that's how it is going to be done. I heard that (b)(6), (b)(7)c was potentially getting (b)(6), (b)(7)c a job. The rest of the team has noticed the division between us and (b)(6), (b)(7)c SSgt Pinto, (b)(6), (b)(7)c. They have been working on POI development separately for months and it seems like they are doing whatever they want when they want to do it. They are also separated in a hotel out in town and no one else from the team is with them, so no one knows where they are. A few weekends ago, they didn't show up for the all hands safety brief. I have been told that SSgt Pinto hates me but I truly don't know why. The only thing I can think of is because (b)(6), (b)(7)c and Pinto was given an officer with him at his site. He was very upset about it and made it known that he was really mad. SSgt Pinto did whatever he wanted to while in Mexico and under the pretense of escorting an officer to a different site, he stayed for three weeks by himself in La Paz without any supervision. Once the other team members were there, he was separate and checked in with the OIC but he would go on his own afterwards. If any of them don't want someone at a site, a phone call to MFN seems to be all it takes to get them move.

Regarding the night that a group went to Bourbon Street, I saw (b)(6), (b)(7)c slap SSgt Pinto twice after he attempted to kiss (b)(6), (b)(7)c. After this happened, (b)(6), (b)(7)c said something along the lines of this could ruin your career so don't do it. A GSgt that is friends with SSgt Pinto on Snapchat messaged me and asked who the girl was that was constantly in SSgt Pinto's Snapchat stories. He told me that (b)(6), (b)(7)c and SSgt Pinto were together constantly in the photos that SSgt Pinto put on his Snapchat story. Once, I heard that SSgt Pinto yelled at (b)(6), (b)(7)c and (b)(6), (b)(7)c told him he must me off cycle of his steroids.

On the night that a group of us went out to dinner and I was the designated driver, SSgt Pinto did slap me and call me "Negro" the Spanish word for 'blackie.' I think that if he does not like you, he will take a physical trait and make jokes about it. For example, he posted memes in a group chat reference (b)(6), (b)(7)c being overweight.

(b)(6), (b)(7)c

8 July 20
Date

ENCLOSURE (6)

Statement by _____

(b)(6), (b)(7)c

/5831 (print)

I did not view the 'roll-over' Marines (SSgt Pinto (b)(6), (b)(7)c as having any benefits or favoritism towards them from anyone in leadership. I would view it as more of a separation because they all knew each other from before, but I would not say that there was favoritism.

(b)(6), (b)(7)c

Person Making Statement (sign)

Witness (print and sign)

____ 20200709
Date

ENCLOSURE (7)



UNITED STATES MARINE CORPS
MARINE FORCES NORTH
2000 OPELOUSAS AVENUE
NEW ORLEANS, LOUISIANA 70114-1500

5830
KAM
13 Jul 2020

MEMORANDUM FOR THE RECORD

From: (b)(6), (b)(7)c '5803 USMC
To: Files

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
(b)(6), (b)(7)c '3043 USMCR

1. On 10 June 2020 I conducted a telephonic interview with (b)(6), (b)(7)c
(b)(6), (b)(7)c provided the following information:

- a. (b)(6), (b)(7)c stated that she very much believed there was favoritism between (b)(6), (b)(7)c SSgt Pinto and (b)(6), (b)(7)c. At the hotel she said that there are very thin walls and she could constantly hear (b)(6), (b)(7)c SSgt Pinto and (b)(6), (b)(7)c hanging out together and drinking.
- b. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c and SSgt Pinto refer to (b)(6), (b)(7)c as "Daddy."
- c. (b)(6), (b)(7)c said that when (b)(6), (b)(7)c once had an issue and got in an argument with (b)(6), (b)(7)c he went straight to (b)(6), (b)(7)c. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c had also gone to (b)(6), (b)(7)c who had agreed with her in private. Following this conversation, (b)(6), (b)(7)c stated that (b)(6), (b)(7)c then sided with (b)(6), (b)(7)c when they all were together.
- d. (b)(6), (b)(7)c stated that she would see SSgt Pinto, (b)(6), (b)(7)c 'causing drama' and drinking multiple times a week.
- e. When asked about the evening a group went to Bourbon Street, (b)(6), (b)(7)c stated that SSgt Pinto verbally told (b)(6), (b)(7)c that he loved (b)(6), (b)(7)c and (b)(6), (b)(7)c pushed him away. When they got an Uber later, SSgt Pinto kept trying to bite (b)(6), (b)(7)c. It was later in the evening that SSgt Pinto then did try to kiss (b)(6), (b)(7)c. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c punched him in order to get him to stop.
- f. (b)(6), (b)(7)c stated that the next day (b)(6), (b)(7)c told him about what had happened and SSgt Pinto said he didn't believe it and joked about it.
- g. (b)(6), (b)(7)c stated that during the deployment, SSgt Pinto would take (b)(6), (b)(7)c notebooks and draw on them and make comments about (b)(6), (b)(7)c body.
- h. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c heard SSgt Pinto use racial language in reference to (b)(6), (b)(7)c to identify him. (b)(6), (b)(7)c stated that SSgt Pinto was exceedingly rude and mocking toward the Corpsman both in person and on the group chats on WhatsApp.

2. This summary of interview is true and accurate to the best of my knowledge.

(b)(6), (b)(7)c

ENCLOSURE (8)



UNITED STATES MARINE CORPS
MARINE FORCES NORTH
2000 OPELOUSAS AVENUE
NEW ORLEANS, LOUISIANA 70114-1500

5830
KAM
08 Jul 2020

MEMORANDUM FOR THE RECORD

From: (b)(6), (b)(7)c '5803 USMC
To: Files

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
(b)(6), (b)(7)c 'LO3A1 USN

1. On 9 June 2020 I conducted a telephonic interview with (b)(6), (b)(7)c
(b)(6), (b)(7)c provided the following information:

- a. (b)(6), (b)(7)c stated that if perception is reality, then yes, there was favoritism toward SSgt Pinto, and (b)(6), (b)(7)c by many of the leaders within the team. He stated that he did not see it as much with (b)(6), (b)(7)c as he spent most of his time with SEMAR and is somewhat of a loner.
- b. (b)(6), (b)(7)c stated that he did not witness any favors being done or benefits but (b)(6), (b)(7)c and SSgt Pinto were on first name basis with the officers and hung out together. (b)(6), (b)(7)c believes that it was more of an unprofessional atmosphere and matter. This included general unprofessional joking around and memes and pictures on WhatsApp. (b)(6), (b)(7)c stated that a shirtless picture of (b)(6), (b)(7)c was sent out to the group with the caption: 'who's got the better bod' as a joke.
- c. (b)(6), (b)(7)c stated that this unprofessionalism/favoritism caused dissension within the team. (b)(6), (b)(7)c stated that certain Marines were targeted in the group chats on WhatsApp and were called out in front of the group. If anyone said that they should approach correcting deficiencies differently, because it was humiliating Marines, (b)(6), (b)(7)c (b)(6), (b)(7)c would step in and come down on that person.
- d. (b)(6), (b)(7)c said that a large reason why he is dropping off orders is due to the drama and environment within the team this year. He said that the issues this year are much worse than last year.
- e. (b)(6), (b)(7)c stated that for a brief period he was worried about his evaluation because he had pissed off some of the "in group" but was relieved to find out the Navy would write it.
- f. (b)(6), (b)(7)c stated that there was a rumor going around that (b)(6), (b)(7)c was going to get a job after he got off of orders but he didn't know if it was true.

2. This summary of interview is true and accurate to the best of my knowledge.

(b)(6), (b)(7)c

ENCLOSURE (9)

SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT

(See JAGMAN 0175)

| | | |
|-------------------------------------|---|------------|
| FULL NAME (ACCUSED/SUSPECT) | RATE/RANK | SERVICE |
| (b)(6), (b)(7)c | (b)(6), (b)(7)c | USMCR |
| ACTIVITY/UNIT | DATE OF BIRTH | |
| TSC Detachment, Marine Forces North | (b)(6), (b)(7)c | |
| NAME (INTERVIEWER) | RATE/RANK | SERVICE |
| | (b)(6), (b)(7)c | USMC |
| ORGANIZATION | BILLET | |
| Marine Forces North | Theater Security Cooperation Plans Officer | |
| LOCATION OF INTERVIEW | TIME | DATE |
| Marine Forces North | 1043 | 16 July 20 |

RIGHTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, the interviewer warned me that:

(1) I am suspected of having committed the following offense(s):

Article 9a, violation of a lawful
General Order, US Navy Regulations 1990, 1165

(b)(6), (b)(7)c

(2) I have the right to remain silent; -----

(b)(6), (b)(7)c

(3) Any statement I do make may be considered by the convening authority and used as evidence against me in trial by court-martial; -----

(b)(6), (b)(7)c

(4) I have the right to consult with lawyer counsel before any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to

act as my counsel without cost to me, or both; ----- ☐ (b)(6), (b)(7)½

(5) I have the right to have such retained civilian lawyer
or appointed military lawyer present during this interview; and
----- ☐ (b)(6), (b)(7)c

(6) If I decide to answer questions now without a lawyer
present, I will have the right to stop this interview at any
time. ----- ☐ (b)(6), (b)(7)c

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above
statement of my rights and fully understand them, and that, ---
----- ☐

(1) I expressly desire to waive my right to remain silent.
----- ☐

(2) I expressly desire to make a statement. ----- ☐

(3) I expressly do not desire to consult with either a
civilian lawyer retained by me or a military lawyer appointed
as my counsel without cost to me before any questioning. -----
----- ☐

(4) I expressly do not desire to have such a lawyer present
with me during this interview. ----- ☐

(5) This acknowledgement and waiver of rights is made
freely and voluntarily by me, and without any promises or
threats having been made to me or pressure or coercion of any
kind having been used against me.----- ☐

(6) I understand that, even though I initially waive my
rights to counsel and to remain silent, I may, during the
interview, assert my right to counsel or to remain silent.-----
----- ☐

NOTE: IF THE SUSPECT INDICATES HE OR SHE IS WILLING TO MAKE A
STATEMENT, HE OR SHE SHOULD FIRST BE ASKED WHETHER HE OR SHE
HAS MADE A STATEMENT IN RESPONSE TO QUESTIONS ABOUT THE
SUSPECTED OFFENSE TO ANYONE HE OR SHE BELIEVED WAS ACTING IN A

LAW ENFORCEMENT CAPACITY BEFORE THE PRESENT INTERVIEW. IF THE SUSPECT INDICATES HE OR SHE HAS PREVIOUSLY MADE SUCH A STATEMENT, ADVISE THE SUSPECT AS FOLLOWS:

PREVIOUS STATEMENTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, the interviewer warned me that:

(1) My previous statement may not be admissible at courts-martial and may not be usable against me. (It may not be possible to determine whether a previous statement made by the suspect will be admissible at some future court-martial; this suggests it may be wise to treat it as inadmissible and provide the cleansing warning).

(2) Regardless of the fact that I have talked about this offense before, I still have the right to remain silent now.

| | | |
|-------------------------|------|------------|
| SIGNATURE (INTERVIEWER) | TIME | DATE |
| (b)(6), (b)(7)c | 1042 | 7-16-20 |
| SIGNATURE (INTERVIEWER) | TIME | DATE |
| (b)(6), (b)(7)c | 1043 | 16 July 20 |
| | TIME | DATE |
| | 1044 | 16 JULY 20 |

The statement which appears on this page (and the following _____ page(s), all of which are signed by me), is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

SIGNATURE (ACCUSED/SUSPECT)

SNM chose to not make a statement at
this time.

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SUSPECT'S RIGHTS ACKNOWLEDGEMENT/STATEMENT

(See JAGMAN 0175)

| | | |
|-------------------------------------|--|------------|
| FULL NAME (ACCUSED/SUSPECT) | RATE/RANK | SERVICE |
| Julio Hamilton Pinto | SSgt | USMCR |
| ACTIVITY/UNIT | DATE OF BIRTH | |
| TSC Detachment, Marine Forces North | 1983 09 20 | |
| NAME (INTERVIEWER) | RATE/RANK | SERVICE |
| (b)(6), (b)(7)c | (b)(6), (b)(7)c | USMC |
| ORGANIZATION | BILLET | |
| Marine Forces North | Theater Security Cooperation Plans officer | |
| LOCATION OF INTERVIEW | TIME | DATE |
| Marine Forces North | 1222 | 17 July 20 |

RIGHTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, the interviewer warned me that:

(1) I am suspected of having committed the following offense(s): Article 92, violation of MCO 5354.1E, Harassment (to include sexual harassment); Article 128, Assault. JP

(2) I have the right to remain silent; ----- JP

(3) Any statement I do make may be considered by the convening authority and used as evidence against me in trial by court-martial; ----- JP

(4) I have the right to consult with lawyer counsel before any questioning. This lawyer counsel may be a civilian lawyer retained by me at my own expense, a military lawyer appointed to

act as my counsel without cost to me, or both; ----- ☒

(5) I have the right to have such retained civilian lawyer or appointed military lawyer present during this interview; and ----- ☒

(6) If I decide to answer questions now without a lawyer present, I will have the right to stop this interview at any time. ----- ☒

WAIVER OF RIGHTS

I further certify and acknowledge that I have read the above statement of my rights and fully understand them, and that, --- ☐

(1) I expressly desire to waive my right to remain silent. ----- ☐

(2) I expressly desire to make a statement. ----- ☐

(3) I expressly do not desire to consult with either a civilian lawyer retained by me or a military lawyer appointed as my counsel without cost to me before any questioning. ----- ☐

(4) I expressly do not desire to have such a lawyer present with me during this interview. ----- ☐

(5) This acknowledgement and waiver of rights is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me. ----- ☐

(6) I understand that, even though I initially waive my rights to counsel and to remain silent, I may, during the interview, assert my right to counsel or to remain silent. ----- ☐

NOTE: IF THE SUSPECT INDICATES HE OR SHE IS WILLING TO MAKE A STATEMENT, HE OR SHE SHOULD FIRST BE ASKED WHETHER HE OR SHE HAS MADE A STATEMENT IN RESPONSE TO QUESTIONS ABOUT THE SUSPECTED OFFENSE TO ANYONE HE OR SHE BELIEVED WAS ACTING IN A

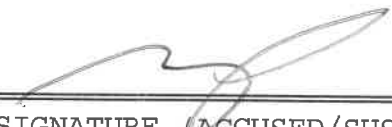
LAW ENFORCEMENT CAPACITY BEFORE THE PRESENT INTERVIEW. IF THE SUSPECT INDICATES HE OR SHE HAS PREVIOUSLY MADE SUCH A STATEMENT, ADVISE THE SUSPECT AS FOLLOWS:

PREVIOUS STATEMENTS

I certify and acknowledge by my signature and initials set forth below that, before the interviewer requested a statement from me, the interviewer warned me that:

(1) My previous statement may not be admissible at courts-martial and may not be usable against me. (It may not be possible to determine whether a previous statement made by the suspect will be admissible at some future court-martial; this suggests it may be wise to treat it as inadmissible and provide the cleansing warning).

(2) Regardless of the fact that I have talked about this offense before, I still have the right to remain silent now.

| | | |
|---|--------------|--------------------|
|  SIGNATURE (ACCUSED/SUSPECT) | TIME 1225 | DATE 17 JUL 20 |
| SIGNATURE (INTERVIEWER) (b)(6), (b)(7)c | TIME 1225 | DATE 17 July 20 |
| (b)(6), (b)(7)c | TIME 1225 | DATE 17 July 20 |

The statement which appears on this page (and the following _____ page(s), all of which are signed by me), is made freely and voluntarily by me, and without any promises or threats having been made to me or pressure or coercion of any kind having been used against me.

SIGNATURE (ACCUSED/SUSPECT)

SNM chose not to make a statement at
this time.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



UNITED STATES MARINE CORPS
MARINE FORCES NORTH
2000 OPELOUSAS AVENUE
NEW ORLEANS, LOUISIANA 70114-1500

5830
KAM
05 Aug 2020

MEMORANDUM FOR THE RECORD

From: (b)(6), (b)(7)c /5803 USMC
To: Files

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
(b)(6), (b)(7)c LO3A1 USN

1. On 5 Aug 2020 I conducted a telephonic interview with (b)(6), (b)(7)c
(b)(6), (b)(7)c provided the following information:
 - a. (b)(6), (b)(7)c stated that there appeared to be potential fraternization/favoritism between (b)(6), (b)(7)c stated that (b)(6), (b)(7)c would get into conversations or disagreements with his peers and five minutes later, the individual who had engaged with (b)(6), (b)(7)c would be getting 'chewed-out' by (b)(6), (b)(7)c stated that it did not happen to him personally but he knows of many other individuals that this happened to and that it was widely seen among the members of the team.
 - b. (b)(6), (b)(7)c stated that he did not hear any racial language.
 - c. (b)(6), (b)(7)c stated that he was not aware of any sexual harassment issues on the team.
2. This summary of interview is true and accurate to the best of my knowledge.

(b)(6), (b)(7)c

ENCLOSURE (12)



UNITED STATES MARINE CORPS
MARINE FORCES NORTH
2000 OPELOUSAS AVENUE
NEW ORLEANS, LOUISIANA 70114-1500

5830
KAM
05 Aug 2020

MEMORANDUM FOR THE RECORD

From: (b)(6), (b)(7)c '5803 USMC
To: Files

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
(b)(6), (b)(7)c 5803 USMC

1. On 5 Aug 2020 I conducted a telephonic interview with (b)(6), (b)(7)c
provided the following information:

- a. (b)(6), (b)(7)c stated that he did not see any overt misconduct. He stated that he may have heard crass conversations but nothing stands out. He stated the specific incident of (b)(6), (b)(7)c allowing (b)(6), (b)(7)c to leave early for liberty without telling anyone. He also stated that at one point in Mexico, (b)(6), (b)(7)c was in the field but went back early to a different site without telling anyone.
- b. (b)(6), (b)(7)c stated that he did not witness any favoritism. He said that he understood how others may have perceived favoritism toward the roll-over Marines but he personally interpreted that as they just knew each other from before. (b)(6), (b)(7)c also said that (b)(6), (b)(7)c (b)(6), (b)(7)c seemed to be fond of them but again, he stated that he viewed that as just knowing them longer.
- c. (b)(6), (b)(7)c stated that he was aware of some contention on the enlisted side. He stated that he believed that issues seemed to iron out, specifically about the fitness tracker that created an argument on WhatsApp. He stated that after he heard that there was a problem he alerted (b)(6), (b)(7)c that they should have a sit down to resolve the issue. He believed that after they sat down that particular issue seemed to be resolved.
- d. (b)(6), (b)(7)c stated that more contention started when they returned from Mexico from the division and the roll-over Marines being in a classroom downstairs but he stated that he allowed the Marines in the MARFORNORTH COC equal flexibility to deal with personal issues and appointments.
- e. (b)(6), (b)(7)c stated that in the group chat on WhatsApp, that (b)(6), (b)(7)c would "squash" arguments and that there was a perception that anytime a roll-over Marine was being challenged, he would put a stop to it.
- f. (b)(6), (b)(7)c stated that a shirtless picture of him and (b)(6), (b)(7)c was sent out over the group chat but it was done without his knowledge. He said that when the picture was taken, they had been taping themselves to see if they were improving physically. He then stated that (b)(6), (b)(7)c put the picture in the chat without telling him beforehand, and he was upset that he did this.
- g. (b)(6), (b)(7)c stated that he didn't hear any racial language being used.
- h. (b)(6), (b)(7)c stated that he had no prior knowledge of any sexual harassment concerns before (b)(6), (b)(7)c officially reported.

ENCLOSURE (13)

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
(b)(6), (b)(7)c 5803 USMC

2. This summary of interview is true and accurate to the best of my knowledge.

(b)(6), (b)(7)c



UNITED STATES MARINE CORPS
MARINE FORCES NORTH
2000 OPELOUSAS AVENUE
NEW ORLEANS, LOUISIANA 70114-1500

5830
KAM
05 Aug 2020

MEMORANDUM FOR THE RECORD

From: (b)(6), (b)(7)c 5803 USMC
To: Files

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
(b)(6), (b)(7)c 5803 USMC

1. On 5 Aug 2020 I conducted a telephonic interview with (b)(6), (b)(7)c
provided the following information:

- a. stated that he did not witness any overt misconduct on the team.
- b. (b)(6), (b)(7)c stated that he butted heads with (b)(6), (b)(7)c
- c. stated that he did feel uncomfortable with several things that were texted on WhatsApp in the group chat. He mentioned specifically a shirtless picture of (b)(6), (b)(7)c and (b)(6), (b)(7)c with the caption "Who's body is better?" and a video that sent that had male nudity within it. (b)(6), (b)(7)c stated that he brought up his concerns on the inappropriate nature of the group chat to (b)(6), (b)(7)c but feels he might have been just brushed off because he did not get along with him.
- d. (b)(6), (b)(7)c stated that he called a LtCol mentor of his for advice on this as well and they advised to just report his feelings on the group chat to (b)(6), (b)(7)c since he was the one in charge of the detachment.
- e. stated that he did not witness blatant favoritism within the detachment.
- f. (b)(6), (b)(7)c stated that he never heard any racial language being used.
- g. stated that he was told by (b)(6), (b)(7)c in Mexico about the incident between and SSgt Pinto where he kissed on the forehead prior to leaving for Mexico. stated that he wanted to report it but (b)(6), (b)(7)c was adamant that did not want anything told to anyone and did not want to pass it up the chain of command. (b)(6), (b)(7)c stated that he again called his mentor for advice and he advised to tell (b)(6), (b)(7)c but did not end up doing that and then was told by (b)(6), (b)(7)c upon return that she was going to report.

2. This summary of interview is true and accurate to the best of my knowledge.

(b)(6), (b)(7)c

ENCLOSURE (14)



UNITED STATES MARINE CORPS
MARINE FORCES NORTH
2000 OPELOUSAS AVENUE
NEW ORLEANS, LOUISIANA 70114-1500

5830
KAM
05 Aug 2020

MEMORANDUM FOR THE RECORD

From: (b)(6), (b)(7)c 5803 USMC
To: Files

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
5803 USMC

1. On 5 Aug 2020 I conducted a telephonic interview with (b)(6), (b)(7)c
(b)(6), (b)(7)c provided the following information:

- a. (b)(6), (b)(7)c stated that he witnessed no overt misconduct on the team.
- b. (b)(6), (b)(7)c stated that there was the perception of favoritism and a clear divide between the roll-over Marines and the new Marines on the team.
- c. (b)(6), (b)(7)c stated that the roll-over Marines did some great work but would mostly only rely on each other furthering the divide.
- d. (b)(6), (b)(7)c stated that there was a perception that they knew the MARFORNORTH staff from working with them for so long and they could get the hook up. He stated that at first this seemed like a good thing and assumed the team would come together through the mission but that never happened.
- e. (b)(6), (b)(7)c stated that the roll-overs seemed to get word through a different chain than the rest of the team.
- f. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c was with us but he wasn't with us as he was at the embassy and got written on by the embassy and worked directly with (b)(6), (b)(7)c at MARFORNORTH.
- g. (b)(6), (b)(7)c stated he never heard any racial language.
- h. (b)(6), (b)(7)c stated he never knew about any sexual harassment until (b)(6), (b)(7)c made her official complaint.
- i. When asked what he did to fix the division among the team, (b)(6), (b)(7)c said he believed that (b)(6), (b)(7)c spoke to certain individuals and had conversations about teamwork and the need to work together.
- j. (b)(6), (b)(7)c stated that the division still remains today as the roll-over Marines are even staying in a different hotel.

2. This summary of interview is true and accurate to the best of my knowledge.

(b)(6), (b)(7)c

ENCLOSURE (15)



UNITED STATES MARINE CORPS
MARINE FORCES NORTH
2000 OPELOUSAS AVENUE
NEW ORLEANS, LOUISIANA 70114-1500

5830
KAM
06 Aug 2020

MEMORANDUM FOR THE RECORD

From: (b)(6), (b)(7)c '5803 USMC
To: Files

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
(b)(6), (b)(7)c '5803 USMC

1. On 6 Aug 2020 I conducted a telephonic interview with (b)(6), (b)(7)c
(b)(6), (b)(7)c provided the following information:

- a. (b)(6), (b)(7)c stated that he did not witness any obvious misconduct.
- b. (b)(6), (b)(7)c stated that there was the perception of favoritism toward the roll over Marines. (b)(6), (b)(7)c stated that at the beginning of deployment he heard that (b)(6), (b)(7)c and SSgt Pinto were protected by (b)(6), (b)(7)c. At first, this was somewhat of a joke but as time went on, (b)(6), (b)(7)c stated that it seemed to be true and that (b)(6), (b)(7)c and to a lesser extent (b)(6), (b)(7)c had free range to do what they wanted.
- c. (b)(6), (b)(7)c stated that during the deployment in Mexico, the divide between the roll-over Marines and the new Marines was there but not bad. He stated that it was when the team returned to New Orleans that the division became a big issue.
- d. (b)(6), (b)(7)c stated that there was tension over the roll-over Marines being allowed to be separated downstairs and also over a fitness tracker.
- e. (b)(6), (b)(7)c stated that he heard comments about the fitness tracker being run by (b)(6), (b)(7)c and that the enlisted Marines were unhappy about the way it was being run.
- f. (b)(6), (b)(7)c stated that he did not witness any inappropriate relationship between SSgt Pinto and (b)(6), (b)(7)c. He stated that as the deployment went on, their personalities began to clash and they started to distance themselves from one another.
- g. When asked if he took any action to correct the division between the team, (b)(6), (b)(7)c (b)(6), (b)(7)c stated that he spoke to (b)(6), (b)(7)c about it. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c tried to take action and solve the problems but he believes (b)(6), (b)(7)c was in a difficult situation as (b)(6), (b)(7)c had the ear of (b)(6), (b)(7)c and frequently brought up the fact that he knew (b)(6), (b)(7)c from the past.
- h. (b)(6), (b)(7)c stated that he was not aware of any sexual harassment before (b)(6), (b)(7)c officially reported.

2. This summary of interview is true and accurate to the best of my knowledge.

(b)(6), (b)(7)c

ENCLOSURE (16)



UNITED STATES MARINE CORPS
MARINE FORCES NORTH
2000 OPELOUSAS AVENUE
NEW ORLEANS, LOUISIANA 70114-1500

5830
KAM
06 Aug 2020

MEMORANDUM FOR THE RECORD

From: (b)(6), (b)(7)c 5803 USMC
To: Files

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
(b)(6), (b)(7)c 5811 USMC

1. On 6 Aug 2020 I conducted a telephonic interview with (b)(6), (b)(7)c
(b)(6), (b)(7)c provided the following information:

- a. (b)(6), (b)(7)c stated that there was a general impression that there were certain privileges or people would look the other way toward the roll-overs. He said that there was a general feeling that they were given much more leeway than others on the team.
- b. (b)(6), (b)(7)c stated that the roll-over Marines are a perfect example as to why Marines do not stay at a unit for ten years. He stated that they seemed complacent and almost lazy. (b)(6), (b)(7)c recounted an example where they showed up the first day at Camp Shelby prior to the deployment to Mexico and the roll-overs had been there for several weeks. When they arrived, nothing was set up, and they didn't have the necessary equipment (projector). (b)(6), (b)(7)c stated that their task was to go through old power points that they had used for years. He said he was confused on what they had been doing and it appeared as they were wasting their time when they could have done some great training opportunities.
- c. Upon returning from Mexico, (b)(6), (b)(7)c stated that they were not supposed to be going off base other than to get chow and he heard others talking about how the roll-over Marines had been going out and having people come over to their rooms. He stated that this just added to the impression that leadership looked the other way when it came to them and that their 'hanging out' with (b)(6), (b)(7)c protected them. (b)(6), (b)(7)c stated that these examples just left "bad tastes" in people's mouth.
- d. (b)(6), (b)(7)c stated that he doesn't know if anything criminal or misconduct worthy occurred with the more senior enlisted members but stated that he would never want to work with those Marines again.
- e. (b)(6), (b)(7)c stated that the division between the roll-over Marines and the new team members was felt right from the beginning. He cited an example of how (b)(6), (b)(7)c had a talk with the new members of the group. (b)(6), (b)(7)c said that he has never been more insulted as a Staff NCO as he was after that talk. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c was talking about getting haircuts and making sure to PT as well as the fact that new team members had to prove themselves or they were going to get kicked out. (b)(6), (b)(7)c stated that this talk seemed to be "us vs. them" as the roll-overs versus the new guys.

ENCLOSURE (17)

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
5811 USMC
(b)(6), (b)(7)c

- f. (b)(6), (b)(7)c stated that after that meeting he said a comment to (b)(6), (b)(7)c along the lines of: "is it really the roll-overs vs the new kids? Are we going to have to fight it out in the street?" (b)(6), (b)(7)c stated that (b)(6), (b)(7)c then pulled (b)(6), (b)(7)c aside and asked him to explain, trying to iron out any misunderstandings.
- g. (b)(6), (b)(7)c stated that he never heard any racial language being used.
- h. (b)(6), (b)(7)c stated that SSgt Pinto and (b)(6), (b)(7)c had an odd relationship that made the group feel awkward that created a weird work environment for him.

2. This summary of interview is true and accurate to the best of my knowledge.

(b)(6), (b)(7)c

Statement by _____

(b)(6), (b)(7)c

/0231 _____ (print)

No obvious misconduct on the team stands out to me, however, I heard rumors that (b)(6), (b)(7)c was going to be given a job offer by (b)(6), (b)(7)c. It is hard to say if there was favoritism but that rumor sat uncomfortably with me. There was a divide between the roll-over Marines and the new team members. It could have been an existing relationship but also could have been some favoritism. The perception about fraternization existed at times because certain people were closer to (b)(6), (b)(7)c. For example, there was a picture of (b)(6), (b)(7)c shirtless with (b)(6), (b)(7)c sent out on group text that made the SSgts feel a certain way about it. It was awkward and seemed potentially inappropriate. (b)(6), (b)(7)c also used some officer's first names when referencing them. I never heard any racial language being used. As for sexual harassment, SSgt Pinto hit on (b)(6), (b)(7)c aggressively at the beginning of deployment. (b)(6), (b)(7)c responded appropriately and rebuffed him. I didn't witness him trying to kiss (b)(6), (b)(7)c on Bourbon Street but I heard about it later. SSgt Pinto also seemed to be harder on (b)(6), (b)(7)c as tension arose in their relationship while in Mexico. For example, (b)(6), (b)(7)c had to give a brief and SSgt Pinto was more intense on quality controlling it. There was a big divide between roll-overs and everyone else. (b)(6), (b)(7)c told other SSgts to complete a fitness tracker and some other SSgts had issues with it. (b)(6), (b)(7)c intervened and it left a bad taste in everyone's mouth. I want to say that although there were some issues, it wasn't all bad and a lot of people did great work. I think in particular (b)(6), (b)(7)c did great.

(b)(6), (b)(7)c

7 Aug 20
Date

ENCLOSURE (18)



UNITED STATES MARINE CORPS
MARINE FORCES NORTH
2000 OPELOUSAS AVENUE
NEW ORLEANS, LOUISIANA 70114-1500

5830
KAM
07 Aug 2020

MEMORANDUM FOR THE RECORD

From: (b)(6), (b)(7)c 5803 USMC
To: Files

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
0231 USMC

1. On 7 Aug 2020 I conducted an interview with (b)(6), (b)(7)c provided the following information in the interview. (b)(6), (b)(7)c did not wish or feel comfortable to sign a personal statement:

- a. (b)(6), (b)(7)c stated that upon returning to New Orleans, there has been a clear favoritism toward the "roll-over" Marines. Specifically (b)(6), (b)(7)c and SSgt Pinto.
- b. (b)(6), (b)(7)c stated that down in Mexico, (b)(6), (b)(7)c would frequently go out with the officers and no other enlisted members would go.
- c. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c would talk frequently about being a Human Resources individual for Johnson and Johnson, volunteer to review resumes, and on occasion imply that he could get jobs for certain people. (b)(6), (b)(7)c stated that he heard a rumor that he was going to get a job for (b)(6), (b)(7)c
- d. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c would display unprofessional behavior by not being in the proper uniform or not getting out of the rack until later in the day. (b)(6), (b)(7)c also stated that some officers would also be get up later than the Marines that were embedded with the SEMAR Marines.
- e. (b)(6), (b)(7)c stated that any time something negative was said about (b)(6), (b)(7)c and his behavior, (b)(6), (b)(7)c would jump in and defend him. (b)(6), (b)(7)c said this led to an impression that (b)(6), (b)(7)c 'net.'
- f. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c went with (b)(6), (b)(7)c on a PDSS, and came back talking about how he attended at least one state department function and went drinking in Mexico City with (b)(6), (b)(7)c
- g. (b)(6), (b)(7)c stated that when the team returned to New Orleans, there was constant division and separation between the roll-over Marines and the new members. (b)(6), (b)(7)c brought up the example of the roll-overs not being present at an all hands safety brief. (b)(6), (b)(7)c stated that he believed that (b)(6), (b)(7)c had let them go early without telling (b)(6), (b)(7)c
- h. (b)(6), (b)(7)c stated that he has heard the roll-over Marines referring to (b)(6), (b)(7)c as "dad" or his first name Caesar openly.
- i. (b)(6), (b)(7)c stated that there are so many examples that he does not remember all of them because they happen so frequently.

ENCLOSURE (19)

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
0231 USMC
(b)(6), (b)(7)c

- j. (b)(6), (b)(7)c stated that from the beginning of deployment in Virginia Beach, SSgt Pinto badmouthed (b)(6), (b)(7)c to all the new detachment members. (b)(6), (b)(7)c stated that he tried to sow the seeds of dislike towards him immediately.
- k. (b)(6), (b)(7)c stated that SSgt Pinto and (b)(6), (b)(7)c had a relationship that made him uncomfortable as they would go to the gym by themselves with (b)(6), (b)(7)c going occasionally. (b)(6), (b)(7)c stated that they were flirting and that he does not know if anything happened but he had heard that before deployment on Bourbon Street SSgt Pinto had written (b)(6), (b)(7)c a note saying that he loved (b)(6), (b)(7)c stated that he had heard that (b)(6), (b)(7)c had slapped him at some point that evening. (b)(6), (b)(7)c stated that he could see how SSgt Pinto might have thought his feeling were reciprocated though before this happened.

2. This summary of interview is true and accurate to the best of my knowledge.

(b)(6), (b)(7)c

Statement by _____

(b)(6), (b)(7)c

5811 (print)

I (b)(6), (b)(7)c wouldn't say that there was favoritism on the team but there is definitely an obvious tight bond between (b)(6), (b)(7)c Staff Sergeant Pinto, and (b)(6), (b)(7)c I don't know if they were particularly favored for certain things but they are close. Misconduct that I didn't quite agree with was when (b)(6), (b)(7)c and SSgt Pinto were wrestling together during the past incident.

(b)(6), (b)(7)c

20200807
Date

ENCLOSURE (20)



UNITED STATES MARINE CORPS
MARINE FORCES NORTH
2000 OPELOUSAS AVENUE
NEW ORLEANS, LOUISIANA 70114-1500

5830
KAM
07 Aug 2020

MEMORANDUM FOR THE RECORD

From: (b)(6), (b)(7)c /5803 USMC
To: Files

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
0321 USMC

1. I interviewed (b)(6), (b)(7)c on 6 Aug 2020 in the Marine Forces North (MARFORNORTH) conference room. (b)(6), (b)(7)c was not suspected of any violations and I did not read him his rights. During the interview, (b)(6), (b)(7)c refused to answer the following two questions, stating that he did not feel comfortable answering: 1. Are you assisting (b)(6), (b)(7)c to get a job at your employer Johnson and Johnson once you get off of orders? 2. Did (b)(6), (b)(7)c let you leave a day before your approved leave period? On 7 Aug 2020, I asked (b)(6), (b)(7)c to come to my office to complete his statement. (b)(6), (b)(7)c refused to sit down at my computer to type his statement stating that he did not feel comfortable giving a statement any longer. I told him that I could do a Summary of Interview which would not require his signature. (b)(6), (b)(7)c asked me for a print out my notes to which I responded "no." I told him that as I would now be doing a Summary of Interview, I would delete my typed notes and create the Summary of Interview document. (b)(6), (b)(7)c then accused me of deleting notes of an interview. At this point, (b)(6), (b)(7)c told me that he was in the Request Mast process and did not feel comfortable discussing anything with me any longer. He then walked out of the office. I contacted (b)(6), (b)(7)c as well as the MARFORNORTH Chief of Staff, (b)(6), (b)(7)c and told them of the incident. (b)(6), (b)(7)c advised me to type the Summary of Interview and include the specific events of the interview in remarks within the enclosure.

- a. (b)(6), (b)(7)c stated that he did not see any overt misconduct. He stated that he did see (b)(6), (b)(7)c accidentally stab (b)(6), (b)(7)c in the hand with a knife on an evening when they were hanging out in the barracks hotel. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c did not get a serious injury.
- b. (b)(6), (b)(7)c stated that on that same evening, everyone was drinking. (b)(6), (b)(7)c stated that those present were (b)(6), (b)(7)c
- c. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c kept trying to tackle him in a playful manner. (b)(6), (b)(7)c stated that he actually sprained his ankle trying to run away from her.
- d. (b)(6), (b)(7)c stated that (b)(6), (b)(7)c puked in (b)(6), (b)(7)c bathtub and he cleaned some of it up.
- e. (b)(6), (b)(7)c stated that he did not witness any favoritism within the detachment.
- f. (b)(6), (b)(7)c stated that he felt as though there was a good relationship between the roll-over Marines and the new team members both in the work up and in Mexico. (b)(6), (b)(7)c stated that if there was a division, it came upon returning because the team all had different jobs and was divided. (b)(6), (b)(7)c stated that he personally didn't feel resentful of anyone.

ENCLOSURE (2)

Subj: INVESTIGATING OFFICER SUMMARY OF INTERVIEW WITH (b)(6), (b)(7)c
(b)(6), (b)(7)c '0321 USMC

- g. (b)(6), (b)(7)c stated that he has no opinion on the relationship between (b)(6), (b)(7)c and SSgt Pinto.
- h. (b)(6) stated that he was not aware of any sexual harassment issues on the team.
- i. (b)(6) stated that he did not witness any racial language being used on the team.
- j. (b)(6) stated that he did not feel comfortable answering the following questions: 1. Are you assisting (b)(6), (b)(7)c to get a job at your employer Johnson and Johnson once you get off of orders? 2. Did (b)(6), (b)(7)c let you leave a day before your approved leave period?

2. This summary of interview is true and accurate to the best of my knowledge.

(b)(6), (b)(7)c